



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/938,445

08/23/2001

Ran Oz

ABS-002

3597

21323

7590

09/06/2005

TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

EXAMINER

BOAKYE, ALEXANDER O

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/938,445

Applicant(s)

OZ ET AL.

Examiner

ALEXANDER BOAKYE

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-56 is/are allowed.
- 6) ☒ Claim(s) 33,38 and 45-48 is/are rejected.
- 7) ☒ Claim(s) 34-37 and 39-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/12/02, 8/30/01, 08/23/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33, 38, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (US Patent # 6,141,339).

Regarding claim 33, Kaplan teaches broadband multimedia system comprising: a communication bus (line connecting session manager 442 and ATM switch 441 of Fig. 4 corresponds to the claimed communication bus); a router, connected to the communication bus and further between a plurality of media sources (column 6, lines 41-43; in Fig. 4, ATM switch 441 corresponds to the claimed router is coupled to the session manager 442; the claimed plurality of media sources are MPEG CARD and JAVA CARD sources as indicated in Fig. 3 ); a session manager, connected to communication bus, the session manager providing routing instructions to the router, for directing data received from the media sources for transmitting over a broadband network (column 6, lines 41-43). Kaplan does not explicitly disclose a plurality of transmitters. One of ordinary skill in the art would have been motivated to incorporate a plurality of transmitters into communication network in order to be able to transmit data

from the media source to the broadband network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a plurality of transmitters into the communication network of Kaplan with the motivation being that it provides capability for the system to transmit packets over the broadband network, thus enhancing efficiency.

Regarding claim 38, Kaplan teaches a network management system, connected to the communication bus, the session manager producing the routing instructions at least according to bandwidth network management information received from the network management system (column 6, lines 41-43).

Regarding to claim 45, Kaplan teaches that the broadband network is a DSL network (lines 2-8 of the abstract).

Regarding claim 47, Kaplan teaches that the broadband network is a wired network (column 6 lines 21-33).

2. Claims 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (US Patent # 6,141,339) in view of Hershey et al. (US Patent # 5,793,753).

Regarding claim 46, Kaplan teaches broadband multimedia system (lines 2-8 of the abstract). What Kaplan fails to disclose is a satellite network. However, Hershey teaches that the broadband network is a satellite network (column 3, lines 14-16). One of ordinary skill in the art would have been motivated to incorporate a satellite network into the communication network in order to be able to use radio frequency signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate satellite network such as the one taught by Hershey into the communication network of Kaplan with motivation being that it provides capability for the system to use radio frequency signals for data transfer.

Regarding claim 48, Kaplan teaches broadband multimedia system (lines 2-8 of the abstract). What Kaplan fails to disclose is a wireless network. However, Hershey teaches that the broadband network is a wireless network (block 12 of Fig. 2 is a wireless network node). One of ordinary skill in the art would have been motivated to incorporate wireless network into communication network in order to transmit data over the air. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate wireless network such as the one taught by Hershey into the communication network of Kaplan with motivation being that it provides capability for the system to transmit data over the air to end users.

### ***Allowable Subject Matter***

3. Claims 34-37 and 39-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 49-56 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: As to claims 49-56, the prior art of record does not teach the session manager

Art Unit: 2667

denies a selected one of the session requests when detecting non-compliance of the selected requests with at least a selected policy rule retrieved from the at least one policy database.

### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Central Fax number is (571) 273-8300. Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Electronic Business Center numbers 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB

8/31/05

KWANG BIN YAO  
PRIMARY EXAMINER

